Under Michigan election law, the sponsor of an initiative, referendum, or constitutional amendment petition may request approval of the summary of the purpose of the petition, prior to placing the petition in circulation. MCL 168.482b(1), as enacted by 2018 PA 608. If a petition sponsor avails itself of this optional process, a summary of the proposal’s purpose must be prepared by the Director of Elections and presented to the Board of State Canvassers (Board) for its approval or rejection. MCL 168.482b(2), as enacted by 2018 PA 608. The deadline for the Board to approve or reject the content of the petition summary is the 30th day following the petition sponsor’s submission. MCL 168.482b(1).

If the Board approves the petition summary as prepared by the Director of Elections, the sponsor must print the full text of the approved summary in 12-point type in the heading of the petition, and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. MCL 168.482(3), 168.482b(1), (3). Further, if the Board subsequently certifies that the petition contains a sufficient number of valid signatures to qualify for placement on the ballot, the Director of Elections and Board are authorized to draft and approve ballot wording that differs from the petition summary. Opinion of the Attorney General No. 7310 (May 22, 2019).

The “summary of the purpose of the proposed amendment or question” prepared by the Director of Elections may be up to 100 words in length, and must consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2), as enacted by 2018 PA 608. Additionally, the summary must inform signers of the subject matter of the petition but need not be legally precise, and shall use words having a common, everyday meaning to the general public. Id.

As of this writing, two organizations sponsoring initiative petitions have submitted requests for approval of the content of the petition summary: Michigan Heartbeat Coalition (submitted May 21, 2019) and Michigan Values Life (submitted May 30, 2019). Copies of the full text of the proposed initiated laws are attached to this announcement.

The Director of Elections is inviting public comments regarding the summaries of the purposes of these two proposed initiative petitions, including submissions of suggested language, as follows:

<table>
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<th>Deadline for submission of suggested petition summary and/or explanatory materials to staff:</th>
<th>June 10, 2019, 5:00 p.m.</th>
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<td>Date of Board of State Canvassers meeting at which summaries will be considered:</td>
<td>To be announced.</td>
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<tr>
<td>Deadline for Board of State Canvassers to approve or reject the summary of the content of the petitions:</td>
<td>June 19, 2019 (Michigan Heartbeat Coalition). July 1, 2019 (Michigan Values Life).</td>
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Submissions may be made via email (elections@michigan.gov), U.S. Mail (P.O. Box 20126, Lansing, Michigan 48901), or hand delivery (address provided below). Submissions must be received in this office by the date and time specified in order to be considered.
May 21, 2019

Board of State Canvassers
c/o Bureau of Elections
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Dear Board,

Attached is a petition for the initiation of Legislation by the Michigan Heartbeat Coalition.

Pursuant to MCL 168.482b the Heartbeat Coalition requests that the Director of Elections, Sally Williams, prepare the summary that may be up to 100 words for placement on the signature side of the petition and be placed before the Board for approval.

Please contact me with any questions or concerns at 517-763-7499.

Sincerely,

Richard S. Hagerstrom,
Attorney
PS7885
INITIATION OF LEGISLATION

The circulator of this petition asserts that he or she is □ Paid Signature Gatherer or □ Volunteer Signature Gatherer. If the petition circulator does not comply with all of the requirements of PA 116 of 1954 for petition circulators, any signature obtained by this petition circulator on this petition is invalid and will not be counted.

(Insert summary as written by Director of Elections and approved by the Board of Canvassers pursuant to MCL 168.482B)

FOR THE FULL TEXT OF THE PROPOSED LEGISLATION, SEE THE REVERSE SIDE OF THIS PETITION

We, the undersigned qualified and registered electors, residents in the Congressional District in the state of Michigan, respectively petition for initiation of legislation.

WARNING - a person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the eleetor was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - a circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by Michigan Heartbeat Coalition, P.O. Box 136, Belmont, MI 49306

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(SIGNATURE OF CIRCULATOR) / / (DATE)

(PRINTED NAME OF CIRCULATOR)

(COMPLETE RESIDENCE ADDRESS [STREET AND NUMBER OR RURAL ROUTE] DO NOT ENTER A POST OFFICE BOX)

(NAME OF CITY OR TOWNSHIP WHERE QUALIFIED TO BE REGISTERED) (ZIP CODE)

(COUNTY OF REGISTRATION, IF REGISTERED TO VOTE, OR OF A CIRCULATOR WHO IS NOT A RESIDENT OF MICHIGAN)
INITIATION OF LEGISLATION

An initiation of legislation to require testing for a fetal heartbeat before the performance of an abortion; to place certain definitions and restrictions on the performance of an abortion if a fetal heartbeat is detected; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act shall be known and may be cited as the "fetal heartbeat protection act".

(2) The intent of this act is to protect unborn living human beings with being born from being victims of abortion and for other purposes.

Sec. 2. As used in this act:

(a) "Abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Contraceptive" means a drug, device, or chemical that prevents conception.

(c) "Obstetric" means the medical care of pregnancy, childbirth, and the neonatal period.

(d) "Physician" means that term as defined in sections 17001 and 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(e) "Pregnancy" means the human female reproductive condition that begins with conception, when the woman is carrying the developing human offspring, and that is calculated from the first day of the last menstrual period of the woman.

(f) "Standard medical practice" means the degree of skill, care, and diligence that an obstetrician of ordinary learning, judgment, and skill would employ in like circumstances, including employing the appropriate means of detecting a fetal heartbeat depending on the estimated gestational age of the unborn living human being and the condition of the woman and her pregnancy.

(a) "Abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. (b) "Contraceptive" means a drug, device, or chemical that prevents conception. (c) "Obstetric" means the medical care of pregnancy, childbirth, and the neonatal period. (d) "Physician" means that term as defined in sections 17001 and 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501. (e) "Pregnancy" means the human female reproductive condition that begins with conception, when the woman is carrying the developing human offspring, and that is calculated from the first day of the last menstrual period of the woman. (f) "Standard medical practice" means the degree of skill, care, and diligence that an obstetrician of ordinary learning, judgment, and skill would employ in like circumstances, including employing the appropriate means of detecting a fetal heartbeat depending on the estimated gestational age of the unborn living human being and the condition of the woman and her pregnancy.

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Enacting section 1. This act takes effect 90 days after the date it is enacted into law.
Re: Filling of Petition Sponsored by Michigan Values Life; Request for Approval of the Content of the Petition Summary

Dear Secretary Benson:

Pursuant to MCL 168.482b, we are seeking the approval of the content of the petition summary with respect to the attached Petition proposing to initiate legislation. Please note that the attached Petition contains our own preferred language for the summary of the Petition.

Thank you for your assistance in this matter.

Sincerely,

DOSTER LAW OFFICES, PLLC

Eric Doster

ED/LM
Enclosures exhibit
CC: Genevieve Mardon (w/enclosure) at gmardon@rtl.org
elections@michigan.gov ("482b- Petition Attached")
Sally Williams (w/enclosure) at williams1@michigan.gov
Melissa Malerman (w/enclosure) at malermanm@michigan.gov
Lori Bourbonais (w/enclosure) at bourbonaisl@michigan.gov
The circulator of this petition is (check one):  □ A paid signature gatherer  □ A volunteer signature gatherer

If the circulator of this petition does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on this petition is invalid and will not be counted.

An initiation of Legislation to enact the Partial-Birth and Dismemberment Abortion Ban Act. The initiated law would ban the dismemberment abortion procedure. "Dismemberment abortion" generally means an abortion in which the physician, deliberately and intentionally uses any instrument, device, or object to dismember a living fetus by disarticulating limbs or decapitating the head from the fetal torso and removing the dismembered fetal body parts from the uterus regardless of whether the fetal body parts are removed by the same instrument, device, or object or by suction or other means. If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 3, 2020. FOR THE FULL TEXT OF THE PROPOSED LEGISLATION TO AMEND 1931 PA 328, ENTITLED "THE MICHIGAN PENAL CODE," BY AMENDING THE TITLE AND SECTION 90H (MCL 750.90H), THE TITLE AS AMENDED BY 2010 PA 107 AND SECTION 90H AS ADDED BY 2011 PA 168, SEE THE REVERSE SIDE OF THIS PETITION.

We, the undersigned qualified and registered electors, residents in the __________________________ congressional district in the state of Michigan, respectively petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature a name on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

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Q If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)  (Date)

(Printed Name of Circulator)

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

(City or Township, State, Zip Code)

(Paid for with regulated funds by: Michigan Values Life, P.O. Box 901, Grand Rapids, MI 49509-0901)
INITIATION OF LEGISLATION

FULL TEXT OF THE LEGISLATIVE PROPOSAL

An initiation of legislation to amend 1931 PA 328, entitled "The Michigan penal code," by amending the title and section 90h (MCL 750.90h), the title as amended by 2010 PA 107 and section 90h as added by 2011 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE GOVERNMENTAL OFFICERS AND ENTITIES, and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.

Sec. 90h. (1) This section shall be known and may be cited as the "partial-birth abortion AND DISMEMBERMENT ABORTION ban act".

(2) Except as provided in subsection (3), a physician, an individual performing an act, task, or function under the delegatory authority of a physician, or any other individual who is not a physician or not otherwise legally authorized to perform an abortion who knowingly performs a partial-birth abortion OR DISMEMBERMENT ABORTION and kills a human fetus is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $50,000.00, or both.

(3) It is not a violation of subsection (2) if in the physician's reasonable medical judgment a partial-birth abortion OR DISMEMBERMENT ABORTION is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury.

(4) The spouse of the mother at the time of the partial-birth abortion OR DISMEMBERMENT ABORTION or either parent of the mother if the mother is not a minor and the age of 18 at the time of the partial-birth abortion OR DISMEMBERMENT ABORTION may file a civil action against the physician or individual described in subsection (2) for a violation of this section unless the pregnancy is a result of the plaintiff's criminal conduct or the plaintiff consented to the partial-birth abortion OR DISMEMBERMENT ABORTION. A plaintiff who prevails in a civil action brought under this section may recover both of the following:

(a) Actual damages, including damages for emotional distress.
(b) Treble damages for the cost of the partial-birth abortion OR DISMEMBERMENT ABORTION.

(5) A woman who obtains or seeks to obtain a partial-birth abortion OR DISMEMBERMENT ABORTION is not a conspirator to commit a violation of this section.

(6) This section does not create a right to abortion.

(7) Notwithstanding any other provision of this section, a person shall not perform an abortion that is prohibited by law.

(8) Nothing in this section shall be construed to repeal or amend, explicitly or by implication, any provision of law prohibiting or regulating abortion, including, but not limited to, section 14, 15, 322, or 323.

(9) THE LEGISLATURE, EACH HOUSE OF THE LEGISLATURE AND A LEGISLATOR, MAY INTERVENE IN AN ACTION COMMENCED IN A COURT OF THIS STATE IF THE LEGISLATURE OR A HOUSE OF THE LEGISLATURE OR A LEGISLATOR CONSIDERS THE INTERVENTION NECESSARY TO PROTECT A RIGHT OR INTEREST OF THAT BODY OR INDIVIDUAL BECAUSE A PARTY TO THE ACTION CHALLENGES THE CONSTITUTIONALITY OR VALIDITY OF THIS SECTION. THE RIGHT TO INTERVENE UNDER THIS SUBSECTION EXISTS AT ANY STAGE OF THE PROCEEDING, AND THE LEGISLATURE, EACH HOUSE OF THE LEGISLATURE, AND A LEGISLATOR HAS THE SAME RIGHT TO PROSECUTE AN APPEAL, APPLY FOR REHEARING, OR TAKE ANY OTHER ACTION OR STEP THAT IS HAD OR POSSESSED BY A PARTY TO THE LITIGATION. THE RIGHT TO INTERVENE UNDER THIS SUBSECTION APPLIES TO A COURT PROCEEDING OCCURRING IN THIS STATE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION OR THAT IS LATER FILED IN A COURT IN THIS STATE. THIS SUBSECTION IS SELF-EXECUTING, BUT EACH HOUSE OF THE LEGISLATURE MAY ADOP RULES OR POLICIES TO FACILITATE THE OPERATION OF THIS SUBSECTION. THIS SUBSECTION DOES NOT LIMIT A RIGHT OR DUTY OF THE ATTORNEY GENERAL AS PROVIDED BY LAW AND INTERVENTION UNDER THIS SUBSECTION IS NOT A WAIVER OF LEGISLATIVE IMMUNITY.

(10) (a) As used in this section:

(A) "DISMEMBERMENT ABORTION" MEANS AN ABORTION IN WHICH THE PHYSICIAN, AN INDIVIDUAL ACTING UNDER THE DELEGATORY AUTHORITY OF THE PHYSICIAN, OR ANY OTHER INDIVIDUAL PERFORMING THE ABORTION DELIBERATELY AND INTENTIONALLY USES ANY INSTRUMENT, DEVICE, OR OBJECT TO DISMEMBER A LIVING FETUS OR DECAPITATING THE HEAD FROM THE FETAL TORSO AND REMOVING THE DISMEMBERED FETAL BODY PARTS FROM THE UTERUS REGARDLESS OF WHETHER THE FETAL BODY PARTS ARE REMOVED BY THE SAME INSTRUMENT, DEVICE, OR OBJECT OR BY SUCTION OR ANY OTHER MEANS. DISMEMBERMENT ABORTION DOES NOT INCLUDE AN ABORTION THAT USES SUCTION TO DISMEMBER AND REMOVE A BODY OF A FETUS FROM THE UTERUS.

(B) "Partial-birth abortion" means an abortion in which the physician, an individual acting under the delegatory authority of the physician, or any other individual performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the umbilical cord is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus, and performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

(C) "Physician" means an individual licensed by this state to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18388.

Enacting section 1. (1) Every provision in this amendatory act and every application of the provisions in this amendatory act are severable from each other. If any application of a provision in this amendatory act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this amendatory act and the application of the amendatory act's provisions to all other persons and circumstances shall not be affected. All constitutionally valid applications of this amendatory act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this amendatory act invalid in a large or substantial fraction of relevant cases, the remaining valid application shall be severed and allowed to remain in force.

(2) The provisions of this amendatory act shall be construed, as a matter of state law, to be enforceable up to but no further than the maximum possible extent consistent with federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the amendatory act from judicial invalidation. If any court determines that any provision of this amendatory act is unconstitutionally vague, it shall interpret this amendatory act, as a matter of state law, in a manner that avoids the vagueness problem while enforcing the amendatory act's provisions to the maximum possible extent consistent with federal constitutional requirements.